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Where the petitioner bases his claim upon the possibility of an administrative board acting arbitrarily rather than upon his own interests being affected by the unreasonableness of the ordinance there is no merit in his contention.³ And exceptional cases of hardship will not cause an ordinance, otherwise a reasonable police measure, to be held invalid.⁴ Consequently, the court holds in the principal case that for the purpose of effectually carrying out the powers conferred, the city board of trustees was authorized to prohibit altogether the erection of tent and shake houses, which, by reason of their inflammable character, might enhance the danger of fires.

W. C. J.

MUNICIPAL CORPORATIONS: ISSUANCE OF BONDS: IRREGULARITIES: VALIDATING ACT.—The City of Venice, California, held an election to vote bonds for the construction of an outfall sewer at a cost of \$20,000. Various irregularities in the proceedings for conferring authority on the city board of trustees to issue the bonds are shown: (1) that two separate statutes are appealed to for the procedure to be followed; (2) that the resolution calling for the election on the bonds for the outfall sewer also included bonds for a garbage incinerating plant; (3) that there was no sufficient statement of the indebtedness to be incurred; (4) that the city board of trustees caused the bonds to be antedated.

None of these irregularities in any wise made the bonds uncertain, and, except for the particularity which the courts have wisely insisted on in the issuance of bonds, did not merit serious consideration. But the District Court of Appeal, in the Second District, in the case of *City of Venice v. Lawrence*,¹ holds that whatever effect these defects and irregularities might otherwise have had on the validity of the bonds, they were all cured by the validating act of 1913.² The legislature may validate past transactions when it could in advance have authorized them.³ As to antedating the bonds, the court says: "The date of the bond is immaterial, the only restriction being that it shall not extend over a period of forty years. Like a note the bond would only take effect upon delivery and bear interest from such date."⁴

W. C. J.

MUNICIPAL CORPORATIONS: PLUMBING ORDINANCE: "MUNICIPAL AFFAIRS".—The City of Stockton is a municipal corpora-

³ In re Newell (1906), 2 Cal. App. 767, 84 Pac. 226.

⁴ Ex parte Fiske (1887), 72 Cal. 125, 13 Pac. 310; In re Flaherty (1895), 105 Cal. 558, 38 Pac. 981.

¹ (April 17, 1914), 18 Cal. App. Dec. 550.

² Cal. Stats. 1913, p. 14.

³ 2 Dillon, Mun. Corp., 5th ed., § 948; City of Redlands v. Brook (1907), 151 Cal. 474, 91 Pac. 150.

⁴ Collins v. Driscoll (1886), 69 Cal. 550, 11 Pac. 244; Bither v. Christensen (1905), 1 Cal. App. 90, 81 Pac. 670.

tion operating under a freeholders' charter.¹ Under an amendment adopted in 1911, the city council is given power "to license for purpose of regulation and revenue all and every kind of business transacted in the city; to fix the rates or licenses of the same and to provide for the collection thereof by suit or otherwise." In pursuance of this authorization the Stockton city council adopted an ordinance requiring that every master plumber obtain a license from the city authorities paying therefor \$10 annually; providing a form and procedure for obtaining a plumber's license; and making it unlawful to engage in the business of plumbing in the city of Stockton without complying with the terms of the ordinance.

In the *Matter of the Application of J. B. Prentice for a Writ of Habeas Corpus*,² the petitioner was convicted of the crime of conducting a business as master plumber in the city of Stockton without first having obtained a license therefor in accordance with the provisions of the ordinance. Petitioner's claim was that the ordinance was unconstitutional because in conflict with an act of the legislature which regulates the business of plumbing.³

The District Court of Appeal, in the Third District, very properly holds that in "municipal affairs" a city, operating under a freeholders' charter, may legislate uncontrolled by general law.⁴ A municipal affair is one which refers to the internal business affairs of the municipality.⁵ And where the power to impose a license tax for revenue is conferred upon a municipality, the power becomes a municipal affair within the meaning of those words in the constitution.⁶ Consequently, ordinances passed for the purpose of revenue are a valid exercise of power, if the municipality has been given such power by its charter.⁷ W. C. J.

NEW TRIAL: JUDGMENT MODIFIED ON APPEAL.—Notice of motion for a new trial must be filed within ten days after receiving notice of the entry of judgment by the trial court,¹ unless extended by stipulation of counsel² or by order of court, which cannot be for more than thirty days.³ In *Bond v. United Railroads of San*

¹ Cal. Stats. 1889, p. 577; Stats. 1905, pp. 832, 859; Stats. Extra Sess. 1911, pp. 274, 279.

² (April 14, 1914), 18 Cal. App. Dec. 537.

³ Cal. Stats. 1885, p. 12; Cal. Stats. 1887, p. 58.

⁴ Cal. Const., art. XI, § 6.

⁵ *Fragley v. Phelan* (1899), 126 Cal. 383, 58 Pac. 923. (For a full discussion of the subject, see article on "Municipal Affairs" in the California Constitution" in 1 Cal. Law Rev. 132.)

⁶ *Ex parte Braun* (1903), 141 Cal. 204, 74 Pac. 780.

⁷ *Ex parte Helm* (1904), 143 Cal. 553, 77 Pac. 453; *Ex parte Lemon* (1904), 143 Cal. 558, 77 Pac. 455; *In re Diehl* (1908), 8 Cal. App. 51, 96 Pac. 98.

¹ Cal. Code of Civ. Proc., § 659.

² *Simpson v. Budd* (1891), 91 Cal. 488, 27 Pac. 758; *Union Collection Co. v. Oliver* (1912), 162 Cal. 755, 124 Pac. 435.

³ *Simpson v. Budd*, supra; *Burton v. Todd* (1886), 68 Cal. 485, 9 Pac. 633; *Freese v. Freese* (1901), 134 Cal. 48, 66 Pac. 43.